

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

## MEMORANDUM ORDER

Plaintiff Leonard Young, an inmate at the State Correctional Institution at Albion (“SCI-Albion”) who identifies as a transgender female, commenced this *pro se* civil rights action on October 27, 2022, asserting claims under 42 U.S.C. §1983 against the Pennsylvania Department of Corrections (“DOC”) as well as nine individuals who serve as DOC officials or medical staff at SCI-Albion. The matter has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges.

Currently before the Court is Plaintiff's Motion for Emergency Hearing, Motion for Preliminary Injunction, Motion for TRO ("Motion for Emergency Injunctive Relief"), which was filed of record on January 5, 2023. ECF No. 24. As recounted by the Magistrate Judge, Plaintiff alleged in her motion that:

as retaliation for filing this civil suit, her<sup>[1]</sup> cell is not being cleaned, a screen door has been placed over her cell so she cannot see out of it, her legal filings are being confiscated, and Defendants are prohibiting her from exercising, showering, and shaving. . . . Additionally, she avers that Dr. Lucas, Dr. Rush, Dr. Evans, Lt. Basher, and CCPM Susser are “refus[ing] to protect [her] from PREA filings,” and “abusive PSS Clothier, as well as the constant threat of refusing to accommodate [her] after [she] made it known she was raped by past cellmates as well as her sexual abuse

history that makes her highly vulnerable and a potential sexual assault victim.” . . . Lastly, she alleges that “Defendants have put [her] on a word of mouth order to staff to not treat her for psych care, transgender accommodations, as well as an approval to allow officers/staff to mistreat her without fear of disciplinary action.” . . .

ECF No. 36 at 2 (citing ECF 24, ¶¶2-7)(alterations in the original; ellipsis added; footnote omitted). As relief, she seeks an order directing Defendants to stop taking her legal documents and instructing them to clean her cell and permit her to shower, shave, and exercise. She also requests the removal of PSS Clothier and to be transferred out of Defendants’ supervision and care.

Following a hearing on January 25, 2023, Judge Lanzillo issued a Report and Recommendation (“R&R”) dated January 30, 2023. Therein, Judge Lanzillo opined that Plaintiff’s request for injunctive relief based upon alleged mistreatment, inadequate treatment, and retaliation in the RHU should be denied as moot, because Plaintiff has acknowledged that these various forms of misconduct ceased when she was released from the RHU. As to the remainder of Plaintiff’s claims, Judge Lanzillo reviewed the evidence and determined that Plaintiff had not demonstrated a likelihood of success on the merits. Specifically, he found no basis to conclude that Plaintiff faces any imminent threat to her safety in her current unit assignment. In addition, Judge Lanzillo found no evidence to support Plaintiff’s claim that she had been denied mental health treatment and medications. Finally, Judge Lanzillo found that the record did not demonstrate a probability of irreparable harm if the requested relief is not granted. For these reasons, he recommended that Plaintiff’s Motion for Emergency Injunctive Relief be denied.

Objections to the Report and Recommendation were due to be filed on or before February 17, 2023. To date, no objections have been filed.

Accordingly, upon *de novo* review of the operative pleading and documents in the case, including Plaintiff's Motion for Emergency Injunctive Relief, all evidence relevant thereto, and the Magistrate Judge's Report and Recommendation, the following Order is entered:

NOW, this 28th day of February, 2023, IT IS ORDERED that Plaintiff's Motion for Emergency Hearing, Motion for Preliminary Injunction, Motion for TRO, ECF No. [24], shall be, and hereby is, DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, dated January 30, 2023, ECF No. [36], is adopted as the opinion of this Court.



SUSAN PARADISE BAXTER  
United States District Judge

cm: Leonard Young  
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(via U.S. Mail)

The Honorable Richard A. Lanzillo (via CM/ECF)